

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

BENJAMIN GORDON EWING

**INDICTMENT**

Case No. \_\_\_\_\_

Violations: 21 U.S.C. §§ 841(a)(1),  
841(b)(1)(A)(viii), 841(b)(1)(C), and  
846, and 18 U.S.C. § 2

**COUNT ONE**

**Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances**

The Grand Jury Charges:

From in or about October and November 2023 until the date of this Indictment, in  
the District of North Dakota, and elsewhere,

BENJAMIN GORDON EWING

did knowingly and intentionally combine, conspire, confederate, and agree together with  
others, both known and unknown to the grand jury, to possess with intent to distribute  
and distribute a mixture and substance containing fentanyl<sup>1</sup>, a Schedule II controlled  
substance, and a mixture and substance containing methamphetamine, a Schedule II  
controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and  
841(b)(1)(A), and Title 18, United States Code, Section 2.

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<sup>1</sup> 21 U.S.C. § 841(b)(1)(A)(vi): The chemical structure of fentanyl is N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide.

Drug Quantity Finding

The grand jury specifically finds that this conspiracy involved more than 50 grams of actual (pure) methamphetamine, a Schedule II controlled substance, as provided in 21 U.S.C. § 841(b)(1)(A)(viii). These amounts are attributable to the defendant as a result of his conduct and the conduct of other co-conspirators that was reasonably foreseeable to them.

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. Co-conspirators did possess with intent to distribute and distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in North Dakota, Minnesota, and elsewhere;
2. Co-conspirators did possess with intent to distribute and distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in North Dakota, Minnesota, and elsewhere;
3. On or about November 8, 2023, BENJAMIN GORDON EWING possessed approximately 200 pills in Grand Forks, North Dakota, with the intent to distribute the pills. These pills contained a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance.
4. On or about November 8, 2023, BENJAMIN GORDON EWING possessed a mixture and substance containing methamphetamine in Grand Forks, North Dakota, with the intent to distribute.

5. It was further a part of said conspiracy that the defendants and others would  
and did attempt to conceal their activities;
6. It was further a part of said conspiracy that the defendants and others would  
and did use telecommunication facilities; and
7. It was further a part of said conspiracy that the defendants and others would  
and did use United States currency in their drug transactions.

In violation of Title 21, United States Code, Section 846, and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

**Possession with Intent to Distribute a Controlled Substance**

The Grand Jury Further Charges:

On or about November 8, 2023, in the District of North Dakota, and elsewhere,

**BENJAMIN GORDON EWING**

did knowingly and intentionally possess with intent to distribute in excess of 50 grams of actual (pure) methamphetamine, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

COUNT THREE

**Possession with Intent to Distribute a Controlled Substance**

The Grand Jury Further Charges:

On or about November 8, 2023, in the District of North Dakota, and elsewhere,

**BENJAMIN GORDON EWING**

did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

A TRUE BILL:

/s/ Foreperson  
Foreperson

/s/ Mac Schneider  
MAC SCHNEIDER  
United States Attorney

CCM:tl